

ARKANSAS SUPREME COURT

No. CR 07-1136

LESLIE YOUNG
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered January 24, 2008

PRO SE MOTION TO AMEND BRIEF
[CIRCUIT COURT OF SHARP
COUNTY, CR 2006-6, HON. HAROLD
ERWIN, JUDGE]

MOTION DENIED.

PER CURIAM

A jury found appellant Leslie Young guilty of capital murder, aggravated robbery, attempted arson and two counts of theft of property, and sentenced her to an aggregate term of life without parole plus fifty-three years' imprisonment. On direct appeal, this court remanded for a new suppression hearing as to certain custodial statements made by appellant. *Young v. State*, 370 Ark. 147, ___ S.W.3d ___ (2007). As directed, the trial court held a hearing on remand and appellant has lodged a new appeal of the decision in this court.

Appellant is represented by counsel in the appeal and now brings this pro se motion to amend her attorney's brief. In her motion, appellant contends that counsel has omitted a meritorious claim, seeks a copy of the transcript, and requests this court to conduct an evidentiary hearing. While appellant does not make clear the claim she believes was omitted and wishes to raise in a supplemental pro se brief, it apparently concerns a video tape that appellant contends was admitted during the hearing over defense objection on the basis of tampering. Appellant asserts that the abstract omits the objection and certain testimony related to the timing of the video.

An appellant is not entitled to accept appointment of counsel to represent her, and also proceed pro se. *Hamilton v. State*, 348 Ark. 532, 74 S.W.3d 615 (2002). Moreover, this court will not permit an appellant to compete with her attorney to be heard in an appeal. *Franklin v. State*, 327 Ark. 537, 939 S.W.2d 836 (1997) (per curiam); *see also Monts v. Lessenberry*, 305 Ark. 202, 806 S.W.2d 379 (1991) (per curiam). Here, appellant would raise an argument that she contends her attorney has omitted and that she deems to have merit. But, this court will not allow a petitioner to substitute her judgment concerning the conduct of the appeal for that of her attorney. *See Brewer v. State*, ___ Ark. ___, ___ S.W.3d ___ (Nov. 15, 2007) (per curiam).

Motion denied.